

Michigan Office of Administrative Hearings and Rules

611 West Ottawa Street; 2nd Floor, Ottawa Building

Lansing, MI 48933

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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file an RFR with the Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Please submit the RFR to MOAHR-Rules@michigan.gov.

1. Agency Information:

Agency name:	Marijuana Regulatory Agency
Division/Bureau/Office:	Department of Licensing and Regulatory Affairs
Name, title, phone number, and e-mail of <u>person completing this form</u> :	Jessica Fox Departmental Analyst Foxj12@michigan.gov Kelly Kronner Departmental Analyst kronnerk@michigan.gov

2. Rule Set Information:

Title of proposed rule set:	Marihuana Sampling and Testing
Rule number(s) or range of numbers:	R 420.301 et seq.
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

1 year.

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

To provide one, cohesive set of rules for regulating both adult use and medical marihuana sampling and testing in the State of Michigan.
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5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

The Executive Director of the Agency is authorized to promulgate these rules based upon: Section 206 of the Medical Marihuana Facilitates Licensing Act, 2016 PA 281, MCL 333.27206, Sections 7 and 8 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27957 and 333.27958, and Executive Reorganization Order No. 2019-2, MCL 333.27001.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

The rules do not conflict with, duplicate, or exceed any other regulations. There are no existing compliance standards for marihuana.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

No.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

The rules will be promulgated under the full rulemaking process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

No.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

Yes.

11. Reviewed by the Michigan Office of Administrative Hearings and Rules:

K. Wienczewski

↓ To be completed by MOAHR ↓

Date RFR received: 7-24-19

Based on the information in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR.

MOAHR assigned rule set number:	2019-070 LR
Date of approval:	7/26/19

Based on the information in this RFR, MOAHR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	